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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,160	01/04/2001	Andreas Schwager	50N3368/1177	3202

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Gregory J. Koerner
SIMON & KERNER LLP
10052 Pasadena Avenue, Suite B
Cupertino, CA 95014

EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/754,160

Applicant(s)

SCHWAGER, ANDREAS

Examiner

Lewis A. Bullock, Jr.

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Europe on 7/1/1999. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 9-12, 16, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by NEGANO (US. 5,712,834).

As to claim 1, NEGANO teaches a method to perform a scheduled action of a plurality of devices (recording devices) that are connected via a network, comprising the steps of: calculating an individual triggering time for each device (start recording / reproduction time) that is to perform a predetermined action (simultaneous recording /

reproduction) at a predetermined time; and utilizing the individual triggering time for each device to perform the scheduled action (col. 10, lines 13-62; col. 12, lines 23-45).

As to claim 2, NEGANO teaches the individual triggering time is calculated based on a synchronous start time of the scheduled action (execution time, T_a) and an individual start-up time (C_a) that a respective device requires to perform the predetermined action (col. 10, lines 13-62).

As to claims 3 and 4, NEGANO teaches the individual start-up time (C_a) that the respective device requires performing the predetermined action is based on the worst-case start-up time or current state of the respective device (via setting the time to correspond to how the other device is performing) (col. 10, lines 13-62).

As to claim 5, NEGANO teaches a resource manager (master controller) of the network respectively transmits the predetermined action (simultaneous recording / reproduction) and the predetermined time (start recording / reproduction time) of the scheduled action to each device that is to perform the predetermined action at the predetermined time (col. 10, lines 13-62; col. 12, lines 23-45).

As to claim 9, NEGANO teaches a resource manager (master controller) of the network respectively transmits the predetermined action (simultaneous recording / reproduction) and the predetermined time (execution time) of the scheduled action for

each device that is to perform the predetermined action at the predetermined time to another control device (secondary control apparatus) and respectively the predetermined action to the respective device (via the secondary control apparatus) and the device that is to perform the predetermined action at the predetermined time (execution time) transmits its individual start-up time (via a reset signal also sent by the master controller) needed to perform the predetermined action to the control device (col. 10, lines 13-62; col. 12, lines 23-45).

As to claim 10, NEGANO teaches another control device calculates the individual triggering time for each device (via resetting the timer based on the received command from the master controller) (col.10, lines 13-62; col. 12, lines 23-45).

As to claim 11, NEGANO teaches another control device (secondary control apparatus) transmits its calculated triggering times (reset timer signal) for each device to the clock device (resetably timer) (col. 10, lines 13-62; col. 12, lines 23-45).

As to claim 12, NEGANO teaches another control device may be the resource manager (secondary control apparatus) (col. 12, lines 23-45).

As to claim 16, NEGANO teaches each device is a consumer electronic device (camera / VTR) (fig. 1).

As to claim 21, NAGANO teaches a system for managing a scheduled action in an electronic network comprising: an invoking application (initial apparatus / computer that generated the request) configured to generate action invocation information corresponding to the scheduled action (delegating the action from the computer) (fig. 1; col. 4, lines 9-27); a resource manager (subsequent apparatus / initial apparatus) configured to handle the action invocation information to thereby control one or more network devices (VTR / camera / etc) to perform the scheduled action (col. 10, lines 13-62; col. 12, lines 23-45).

As to claim 22, NAGANO teaches the resource manager passes the action invocation information (command) to one or more device control modules (subsequent apparatus) that respectively correspond to and control the one or more network devices (col. 10, lines 13-62; col. 12, lines 23-45).

As to claim 23, NAGANO teaches the one or more device control modules (subsequent apparatus) each build an internal agenda for reservation of the one or more network devices to perform the scheduled action (schedule action to start at desired time and reset the timer) (col. 10, lines 13-62; col. 12, lines 23-45).

As to claim 24, NAGANO teaches a plurality of scheduled actions and wherein the one or more device control modules (subsequent apparatus) each check whether the one or more network devices will be able to simultaneously perform the plurality of

scheduled actions (via a simultaneous recording / reproduction commands) (col. 10, lines 13-62; col. 12, lines 23-45).

As to claim 25, NAGANO teaches a trigger device (resetably timer) notifies the resource manager to begin the scheduled action (col. 12, lines 23-45).

4. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwager (US 6,252,886)

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As to claims 1-25, SCHWAGER teaches a method / system to perform a scheduled action on a plurality of devices that are connected via a network, comprising the steps of: having the devices calculate an individual triggering time to perform a predetermined action at a predetermined time; and utilizing the individual triggering time for each device to perform the scheduled action by registering the individual start-up times with a clock device that triggers the devices via the resource manager at their respective triggering times (col. 18, lines 20 – col. 20, line 37).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEGANO (US. 5,712,834).

As to claims 14 and 15, NEGANO substantially discloses the invention above. However, NEGANO does not teach that the network is a home network or 1394-based network. NEGANO does teach that appliances are typically home appliances such as VTR's or cameras. "Official Notice" is taken that these devices are typically associated with home networks and that such networks are well known in the art such that it would be obvious to one skilled in the art to implement a home network or 1394-based network according to the teachings of NEGANO in order to control the operation of the devices.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "L. A. Bullock Jr.", is positioned to the right of the main text block.

LAB